



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James V. Luciani

Application No.: 09/786,529

Filed: February 23, 2001

For: A NON-BROADCAST, MULTIPLE  
ACCESS INVERSE NEXT HOP  
RESOLUTION PROTOCOL (INNHRP)

Examiner: Unassigned

Art Group: 2661

**RECEIVED**  
NOV 23 2004  
Technology Center 2600

DECLARATION OF GEORGE L. FOUNTAIN IN SUPPORT OF PETITION TO REVIVE  
APPLICATION

Assistant Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

I, George L. Fountain, declare as follows:

1. On information and belief, the instant Patent Cooperation Treaty (PCT) Application Serial No. PCT/US99/19490 was filed on or about August 26, 1999.

2. On information and belief, the undersigned, on behalf of the Applicant, filed a first submission of items concerning a filing under 35 U.S.C. 371, a copy of the International Application as filed, and a First Preliminary Amendment with the United States Patent and Trademark Office as a receiving office for PCT filings, on or about February 23, 2001 (Exhibit A - transmittal only).

3. On information and belief, the United States Patent and Trademark Office, on or about April 13, 2001, issued a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US). (Exhibit B). This Notification was mailed to:

George L. Fountain  
Oppenheimer, Wolff & Donnelly  
Suite 3800  
2029 Century Park East  
Los Angeles, CA 90067

4. On information and belief, at the time of the mailing of the Notification (Exhibit B), the undersigned was no longer employed with Oppenheimer, Wolff & Donnelly nor was at that address.

5. On information and belief, the undersigned on or about March 13, 2000 changed employment from the employer and address noted in paragraph 3 of this Declaration to his current employer and address as follows:

Blakely, Sokoloff, Taylor & Zafman  
3200 Park Center Drive, Suite 700  
Costa Mesa, CA 92626-7149

6. Accordingly, at the time of the mailing of the Notification (Exhibit B), the undersigned was not at the mailing address listed on the Notification by the United States Patent and Trademark Office.

7. On information and belief, the undersigned submitted a change of address with the Office of Employment and Discipline (OED) of the United States Patent and Trademark Office shortly after the March 13, 2000 start date with his current employer listed in paragraph 5 of this Declaration.

8. On information and belief, the Office of Employment and Discipline (OED) of the United States Patent and Trademark Office, on or about June 6, 2000, recorded the undersigned's new employer and address information.

9. On information and belief, it appears that the United States Patent and Trademark Office made a mistake in the mailing address of the Notification (Exhibit B) since at such time its record showed that the undersigned was no longer at such address.

10. On information and belief, Oppenheimer, Wolff & Donnelly did not apprise the undersigned nor the undersigned's employer of the Notification (Exhibit B).

11. Accordingly, the undersigned nor the undersigned's employer was not aware that the Notification (Exhibit B) issued until about February, 2003. Since the undersigned and the undersigned's employer were not aware of the issuance of the Notification, it was unavoidable, or at least unintentional, not to respond to the Notification.

12. From February 2003 to the filing of the instant Petition, the undersigned has been accumulating and organizing the information in support of the instant Petition, as well as preparing the instant Petition and Declaration with supporting documents.

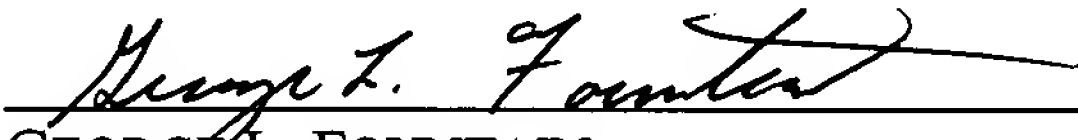
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 20, 2003, at Costa Mesa, California.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Dated: June 20, 2003

  
\_\_\_\_\_  
GEORGE L. FOUNTAIN  
Reg. No. 36,374

12400 Wilshire Boulevard, Seventh Floor  
Los Angeles, California 90025  
(714) 557-3800

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313 on: June 20, 2003

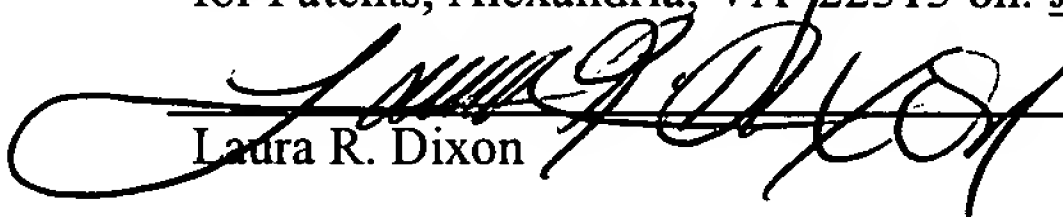
  
\_\_\_\_\_  
Laura R. Dixon 06/20/03

EXHIBIT A

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.  
PCT/US99/19490INTERNATIONAL FILING DATE  
26/08/1999PRIORITY DATE CLAIMED  
26/08/1998

## TITLE OF INVENTION

NON-BROADCAST, MULTIPLE ACCESS INVERSE NEXT HOP RESOLUTION PROTOCOL

## APPLICANT(S) FOR DO/EO/US

Applicant: NORTEL NETWORKS CORPORATION

(Inventor: James V. Luciani)

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: NOTIFICATION OF THE RECORDING OF A CHANGE

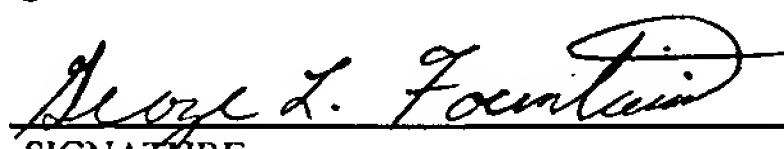
U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
<div>21. <input checked="" type="checkbox"/> The following fees are submitted:</div> <div><b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b></div> <div>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO..... \$1000.00</div> <div>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$860.00</div> <div>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$710.00</div> <div>International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$690.00</div> <div>International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00</div> <div><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div>				<b>CALCULATIONS PTO USE ONLY</b>	
				\$ 690.00	
				\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	52 - 20 =	32	x \$18.00	\$ 576.00	
Independent claims	2 - 3 =	0	x \$80.00	\$ -0-	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1,266.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
<b>SUBTOTAL =</b>				\$ 1,266.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
<b>TOTAL NATIONAL FEE =</b>				\$ 1,266.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
<b>TOTAL FEES ENCLOSED =</b>				\$ 1,266.00	
				Amount to be refunded: \$	
				charged: \$	
<div>a. <input checked="" type="checkbox"/> A check in the amount of \$ 1,266.00 to cover the above fees is enclosed.</div> <div>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</div> <div>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-266 . A duplicate copy of this sheet is enclosed.</div> <div>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</div> <div style="margin-top: 20px;"><b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</b></div> <div style="margin-top: 10px;">SEND ALL CORRESPONDENCE TO:</div> <div style="text-align: right; margin-top: 20px;"><div> SIGNATURE</div><div>George L. Fountain NAME</div><div>36,374 REGISTRATION NUMBER</div></div>					

EXHIBIT B